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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,715	04/19/2000	Seiji Umemoto	Q58947	3149

7590

12/22/2003

Shghrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue NW  
Washington, DC 20037

EXAMINER

PARKER, KENNETH

ART UNIT PAPER NUMBER

2871

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/552,715

Applicant(s)

UMEMOTO, SEIJI

Examiner

Kenneth A Parker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12, 17-20 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/21/2003 has been entered.

**1. Claims 1-3, 8-12, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuNah et al 5420761 in view of Kalamanash 5532852.**

DuNah et al does disclose an edge lit back light in figure 3 with an angle of 55-45 degrees at one of the surfaces and 1-15 degrees at the other, in a light pipe with an upper, lower and incident side surface, the lower is reflective, and output means are on the upper surface, and an LCD is on the upper surface including at least one polarizing plate. As the projections point substantially at 45 degrees, with almost the exact same ranges of the claimed variables, and directs light substantially downward to a diffusely reflective reflector directly attached, it clearly meets the means plus function limitations. The ratio of 8 to one or greater met by the indication of a depth of 1-10mm and a spacing of 100-250mm with an angle of 45-55 degrees, so all possible configurations meet 8 to one or greater. The 45-55 is an overlapping range to the claimed 35-45, but is seen as performing the same task (reflecting approximately 45 degrees, and obvious

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as it has been judicially determined that overlapping ranges are at least obvious, this difference is within the ordinary skill level. The width is 100-250 microns, which as an overlapping range is not patentably distinct for the same reasons that the 35-45 degree angle does not patentably distinguish (they are linked variables).

Lacking from the disclosure is the use of a polarizer, however a polarizer was part of the conventional LCD, and would have been obvious for that reason. Evidence that it was conventional is in the Patent and Trademark office classification definitions for class 349 search notes: "In this case, nominal cell structure refers to a broad recitation of substrates, electrodes (or conductive plates or electrical excitation means), alignment layers, a seal, spacers, and polarizers. ", and in Kalamash's description of the typical active matrix LCD

Having the transmissivity of greater than 90% would have been obvious as the transmissivity was one of the most well known things to have as close as possible to 100 as possible, and having the bumps be uniform was also a notoriously well known goal and obvious for that reason.

Silver and aluminum were the conventionally employed materials and would have been obvious for that reason.

***Any assertion that something is well known is a taking of official notice.***

***Note: Any assertions that an element, practice or relationship was conventional has the incorporated motivations of the benefits of having established supply chains, well understood behavior and manufacturing methodologies.***

***Allowable Subject Matter***

**Claims 4-7 and 13-16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

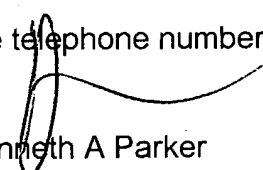
***Response to Arguments***

Regarding references such as Yang and Redmond, the arguments were persuasive, and regarding Higuchi, the output means were not met, as the projections of Higuchi function in a different way..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Parker whose telephone number is 703-305-6202. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 305-3492. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.

  
Kenneth A Parker  
Primary Examiner  
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